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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 24th May 1977

THE YOGA UNDERTAKINGS (TAKING OVER OF
MANAGEMENT) ORDINANCE, 1977

No. 8 OF 1977

Promulgated by the Vice-President acting as President in the
Twenty-eighth Year of the Republic of India

An Ordinance to provide for the taking over of the management of the undertakings of the two yoga societies for a limited period in the public interest and in order to secure the proper management thereof and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the Vice-President acting as President is satisfied that circumstances exist which render it necessary for him to take immediate action,

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the Vice-President acting as President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Yoga Undertakings (Taking Over of Management) Ordinance, 1977.

(2) It shall come into force at once.

Short
title and
commence-
ment.

Defini-
tions

2 In this Ordinance, unless the context otherwise requires,—

(a) "Administrator" means the person or body of persons appointed as the Administrator under section 4;

(b) "appointed day" means the date of promulgation of this Ordinance;

(c) "prescribed" means prescribed by rules made under this Ordinance,

(d) "Societies Registration Act" means the Societies Registration Act, 1860, as in force in the Union territory of Delhi;

21 of 1860

(e) "two Yoga Societies" means the—

(i) Vishwayatan Yogashram, a society registered under the Societies Registration Act and having its registered office at B-35, Defence Colony, New Delhi; and

(ii) Central Research Institute for Yoga, a society registered under the Societies Registration Act, and having its registered office at Yogashram, Ashok Road, New Delhi;

and the expression "Yoga Society" shall be construed as referring to one of the two Yoga Societies,

(f) words and expressions used herein and not defined but defined in the Societies Registration Act shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

TAKING OVER OF THE MANAGEMENT OF THE UNDERTAKINGS OF THE TWO YOGA SOCIETIES

Manage-
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of the
under-
takings
of the
two
Socie-
ties

3. (1) On and from the appointed day, and for a period of two years thereafter, the management of the undertakings of the two Yoga Societies shall vest in the Central Government:

Provided that if the Central Government is of opinion that in order to secure the proper management of the undertakings of either, or both, of the Yoga Societies, it is expedient that such management should continue to vest in the Central Government after the expiry of the said period of two years, it may, from time to time, issue directions for the continuance of such management for such period, not exceeding one year at a time, as it may think fit; so, however, that the total period for which such management shall continue to vest in the Central Government shall not, in any case, exceed five years.

(2) The undertaking of each of the two Yoga Societies shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, workshops, projects, stores, instruments, machinery, aircraft, automobiles and other vehicles, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of each of the two Yoga Societies, whether within or without India, and all books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of the undertakings of either, or both, of the two Yoga Societies and in force immediately before the appointed day shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management of either of the two Yoga Societies, including persons holding offices as directors, managers, members of the Governing Body or Board of Trustees or any other managerial personnel of either, or both, of the two Yoga Societies immediately before the appointed day shall be deemed to have vacated their offices as such on the appointed day

4 (1) The Central Government shall, as from the appointed day, appoint a person or a body of persons as the Administrator of the undertakings of the two Yoga Societies for the purpose of taking over the management thereof and the Administrator shall carry on the management of the undertakings of the two Yoga Societies for and on behalf of the Central Government

Adminis-
trator
of the
Yoga
Socie-
ties

(2) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and duties as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the undertakings of the two Yoga Societies or in relation to any matter arising in the course of such management

(3) Subject to the other provisions of this Ordinance and to the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in the Societies Registration Act or in any other law for the time being in force, to exercise, in relation to the undertakings of the two Yoga Societies, the powers of the Governing Body, or, as the case may be, the Board of Trustees, of the respective Yoga Society, including the powers to dispose of any property or assets of such society, whether such powers are derived under the Societies Registration Act or from the memorandum and rules or regulations of the concerned Yoga Society or from any other source

(4) Every person having possession, custody or control of any property forming part of the undertakings of either of the two Yoga Societies shall deliver forthwith such property to the Administrator or to any officer or other employee of the Central Government, as may be authorised by the Central Government in this behalf

(5) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertakings of either of the two Yoga Societies, including the minutes books containing the resolutions of the persons in charge of the management of the concerned Yoga Society before the appointed day, current cheque books relating to the undertakings of the concerned Yoga Society, any letters, memoranda, notes and other communications between him and either of the two Yoga Societies shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including

such minutes books, cheque books, letters, memoranda notes and other communications) to the Administrator or to any such person (being an officer or other employee of the Central Government) as may be authorised by the Central Government in this behalf

(6) Every person in charge of the management of the undertakings of either of the two Yoga Societies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertakings of the concerned Yoga Society immediately before the appointed day and of all the liabilities and obligations of the concerned Yoga Society, in relation to its undertakings, subsisting immediately before that date and also of all agreements entered into by either, or both, of the two Yoga Societies in relation to its or their undertakings and in force immediately before that day.

(7) The Administrator shall receive from the funds of the two Yoga Societies such remuneration as the Central Government may fix

No right to compensation for premature termination of a contract.

5 Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3) of section 3 or who ceases to hold any office by reason of the provisions contained in sub-section (4) of that section, shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of his office

Relinquishment of management of the Yoga Societies

6. (1) Notwithstanding anything contained in sub-section (1) of section 3, if at any time before the expiry of the period referred to in that sub-section it appears to the Central Government that the purposes of the vesting of the management of the undertakings of either, or both, of the Yoga Societies in that Government have been fulfilled or that for any other reason it is not necessary that the management of the undertakings of either, or both, of the Yoga Societies should remain vested in that Government, it may, by order published in the Official Gazette, relinquish the management of the undertakings of either, or both, of the Yoga Societies with effect from such date as may be specified in the order.

(2) On and from the date specified under sub-section (1), the management of the undertakings of the concerned Yoga Society shall vest in the Governing Body (by whatever name called) of the concerned Yoga Society and such management shall be carried on in accordance with the provisions of the Societies Registration Act, so, however, that the steps, if any, in relation to the management of the undertakings of the Yoga Societies may be taken after the publication of the order under sub-section (1).

Application of Act 21 of 1860

7. (1) Notwithstanding anything contained in the Societies Registration Act or in the memorandum and rules and regulation of either of the Yoga Societies but subject to the provisions of sub-section (2) of sec-

tion 6, so long as the management of the undertakings of the Yoga Societies remains vested in the Central Government,—

(a) it shall not be lawful for the members of either of the two Yoga Societies or any other person to nominate or appoint any person to be a member of the Governing Body (by whatever name called of either of the two Yoga Societies;

(b) no resolution passed at any meeting of the members of either of the two Yoga Societies or at any meeting of the Governing Body (by whatever name called) of either of the two Yoga Societies, on or after the appointed day, shall be given effect to unless approved by the Central Government;

(c) no proceeding for the dissolution of either of the two Yoga Societies or for their merger with any other society or for the appointment of a Receiver in respect of any undertaking thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Societies Registration Act shall continue to apply to the Society in the same manner as it applied thereto before the appointed day.

CHAPTER III

MISCELLANEOUS

8. Any person who,—

Penal-
ties

(a) having in his possession or custody or under his control any property forming part of the undertakings of either of the two Yoga Societies, wrongfully withholds such property from the Administrator or any person authorised under this Ordinance, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of any of the undertakings of either of the two Yoga Societies or removes or destroys it, or

(d) wilfully withholds or fails to deliver any books, papers or other documents which may be in his possession or custody or under his control to the Administrator or any person authorised under this Ordinance, or

(e) fails, without any reasonable cause, to furnish information or particulars as provided in sub-section (6) of section 4

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

9 (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be

Offences
by com-
panies.

guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm

Exclusion
of
period of
operation
of
Ordi-
nance

10. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two Yoga Societies in respect of any matter arising out of any transaction in relation to their undertakings, the time during which this Ordinance is in force shall be excluded.

Ordi-
nance to
have
over-
riding
effect

11 The provisions of this Ordinance or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Ordinance or in any instrument having effect by virtue of any law other than this Ordinance or in any decree or order of any court.

Protec-
tion of
action
taken in
good
faith

12 (1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer or other employee of the Central Government for anything which is in good faith done or intended to be done under this Ordinance

(2) No suit or other legal proceeding shall lie against the Central Government or the Administrator or any of the officers or other employees of the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

Contracts
in bad
faith may
be
cancel-
led
or
varied

13. (1) If the Central Government is satisfied, after such enquiry as it may think fit, that any contract or agreement entered into at any time within three years immediately preceding the appointed day, between either of the two Yoga Societies, in so far as such contract or agreement relates to the undertakings of such Yoga Society, has been entered into in bad faith, or is detrimental to the interests of the concerned Yoga Society, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such

contract or agreement and thereafter the contract or agreement shall have effect accordingly.

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement reasonable opportunity of being heard

(2) Any person aggrieved by an order under sub-section (1) may make an application to the High Court at Delhi for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

14 If the Administrator is of opinion that any contract of employment entered into by either of the two Yoga Societies in relation to their undertakings, at any time before the appointed day, is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

Power to
termi-
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con-
tract of
employ-
ment

15. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

Power
to
make
rules.

(2) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

B. D. JATTI,

Vice-President acting as President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

